

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

KEWAZINGA CORP.,)	
)	
Plaintiff,)	Civil Action No. 1:20-cv-01106-LGS
)	
vs.)	
)	JOINT CLAIM CONSTRUCTION AND
GOOGLE LLC,)	PREHEARING STATEMENT
)	
Defendant.)	
)	

Pursuant to the Court’s Scheduling Order in this case (D.I. 32) and Local Patent Rule 4-3 of the Eastern District of Texas (“Texas Rule 4-3”), Plaintiff Kewazinga Corp. (“Kewazinga”) and Defendant Google LLC (“Google”) hereby submit this Joint Claim Construction and Prehearing Statement (“Joint Statement”).

A. Agreed Proposed Constructions (Texas Rule 4-3(a)(1))

The table below identifies the constructions on which the parties have agreed.

Terms and Phrases	Claims (including unasserted independent claims on which asserted claims depend)	Agreed Proposed Construction
[first] [second] view of the environment	'234 patent, claims 1, 13, and 14	[first] [second] view of multiple locations through a remote environment
tweening	'325 patent, claims 10, 14, 15; '234 patent, claims 7, 19, 20	generating synthetic imagery from acquired imagery, and utilizing that synthetic imagery between the acquired imagery, in order to show movement and transition between the acquired imagery

Terms and Phrases	Claims (including unasserted independent claims on which asserted claims depend)	Agreed Proposed Construction
tweened imagery	'234 patent, claims 6, 19	This term should be construed in accordance with the agreed-upon construction of the term "tweening."
tweened image	'325 patent, claim 15	This term should be construed in accordance with the agreed-upon construction of the term "tweening."
tweened	'234 patent, claim 6	This term should be construed in accordance with the agreed-upon construction of the term "tweening."
tweening the selected outputs of cameras in the [first] [second] path	'325 patent, claim 10	This term should be construed in accordance with the agreed-upon construction of the term "tweening."
tweening the image of a current camera in the sequence to the image of a next camera in the sequence	'325 patent, claim 14	This term should be construed in accordance with the agreed-upon construction of the term "tweening."
cause imagery of two or more different perspectives along the first view to be tweened	'234 patent, claim 6	This term should be construed in accordance with the agreed-upon construction of the term "tweening."
tweening imagery of two or more different perspectives along the first view	'234 patent, claim 19	This term should be construed in accordance with the agreed-upon construction of the term "tweening."

Terms and Phrases	Claims (including unasserted independent claims on which asserted claims depend)	Agreed Proposed Construction
tweening the first image with the second image to obtain a first tweened image and then tweening the second image with the third image to obtain a second tweened image	'325 patent, claim 15	This term should be construed in accordance with the agreed-upon construction of the term "tweening."
mosaic imagery	'234 patent, claims 1, 3, 13, 16	This term should be construed in accordance with the construction of the term "mosaicing" that is adopted by the Court. The parties dispute the construction of "mosaicing" and have provided their proposals in Exhibit 1.
mosaic images	'325 patent, claim 6	This term should be construed in accordance with the construction of the term "mosaicing" that is adopted by the Court. The parties dispute the construction of "mosaicing" and have provided their proposals in Exhibit 1.
generate mosaic imagery	'234 patent, claim 1	This term should be construed in accordance with the construction of the term "mosaicing" that is adopted by the Court. The parties dispute the construction of "mosaicing" and have provided their proposals in Exhibit 1.
mosaic imagery along the [first] [second] view	'234 patent, claim 1	This term should be construed in accordance with the construction of the term "mosaicing" that is adopted by the Court. The parties dispute the construction of "mosaicing" and have provided their proposals in Exhibit 1.

Terms and Phrases	Claims (including unasserted independent claims on which asserted claims depend)	Agreed Proposed Construction
mosaic imagery of progressively different locations along the [first] [second] view	'234 patent, claim 13	This term should be construed in accordance with the construction of the term “mosaicing” that is adopted by the Court. The parties dispute the construction of “mosaicing” and have provided their proposals in Exhibit 1.
mosaicing the selected outputs of cameras in the [first] [second] path	'325 patent, claim 1	This term should be construed in accordance with the construction of the term “mosaicing” that is adopted by the Court. The parties dispute the construction of “mosaicing” and have provided their proposals in Exhibit 1.
sequentially mosaicing the selected outputs of cameras in the [first] [second] path	'325 patent, claim 1	This term should be construed in accordance with the construction of the term “mosaicing” that is adopted by the Court. The parties dispute the construction of “mosaicing” and have provided their proposals in Exhibit 1.
mosaicing the image of a current camera in the sequence to the image of a next camera in the sequence	'325 patent, claim 5	This term should be construed in accordance with the construction of the term “mosaicing” that is adopted by the Court. The parties dispute the construction of “mosaicing” and have provided their proposals in Exhibit 1.
mosaicing the first image with the second image and then mosaicing the second image with the third image	'325 patent, claim 6	This term should be construed in accordance with the construction of the term “mosaicing” that is adopted by the Court. The parties dispute the construction of “mosaicing” and have provided their proposals in Exhibit 1.

B. Disputed Proposed Constructions (Texas Rule 4-3(a)(2))

Attached as Exhibit 1 is a joint claim terms chart showing the parties' respective proposed constructions for the terms and phrases for which there are still disputes, as well as an identification of intrinsic evidence that supports each party's own position and extrinsic evidence known to the party on which it intends to rely either to support its position or to oppose any other party's position.

C. Anticipated Length of Claim Construction Hearing (Texas Rule 4-3(a)(3))

The Court has set the Claim Construction Hearing to begin at 10:00 a.m. on February 16, 2021. D.I. 32 at 2. The parties request two hours total (1 hour per side, including rebuttal) for the Claim Construction Hearing.

D. Live Witness Testimony at Claim Construction Hearing (Texas Rule 4-3(a)(4))

The parties do not presently intend to present any live testimony at the Claim Construction Hearing.

E. Other Issues (Texas Rule 4-3(a)(5))

The parties are not aware of any other issues to be taken up at a prehearing conference prior to the Claim Construction Hearing.

Dated: October 13, 2020

Respectfully submitted,

/s/ Ian G. DiBernardo

Ian G. DiBernardo
Timothy K. Gilman
Kenneth L. Stein
Saunak K. Desai
Gregory R. Springsted
STROOCK & STROOCK & LAVAN LLP

/s/ Ameet A. Modi

John M. Desmarais
jdesmarais@desmaraisllp.com
Steven M. Balcof
sbalcof@desmaraisllp.com
Elizabeth Weyl
eweyl@desmaraisllp.com

180 Maiden Lane
New York, NY 10038
Tel: (212) 806-5400
Fax: (212) 806-6006
Email: idibernardo@stroock.com
Email: tgilman@stroock.com
Email: kstein@stroock.com
Email: sdesai@stroock.com
Email: gspringsted@stroock.com

Counsel for Plaintiff Kewazinga Corp.

David A. Frey
dfrey@desmaraisllp.com
DESMARAIS LLP
230 Park Avenue
New York, NY 10169
Tel: (212) 351-3400
Fax: (212) 351-3401

Ameet A. Modi
amodi@desmaraisllp.com
Emily H. Chen (*pro hac vice*)
echen@desmaraisllp.com
DESMARAIS LLP
101 California Street
San Francisco, CA 94111
Tel: (415) 573-1900
Fax: (415) 573-1901

Counsel for Defendant Google LLC

PROOF OF SERVICE

The undersigned hereby certifies that on October 13, 2020, a true and correct copy of the above and foregoing document was served on the following counsel via ECF filing:

John M. Desmarais
jdesmarais@desmaraisllp.com
Steven M. Balcof
sbalcof@desmaraisllp.com
Elizabeth Weyl
eweyl@desmaraisllp.com
David A. Frey
dfrey@desmaraisllp.com
DESMARAIS LLP
230 Park Avenue
New York, NY 10169
Tel: (212) 351-3400
Fax: (212) 351-3401

Ameet A. Modi
amodi@desmaraisllp.com
Emily H. Chen (*pro hac vice*)
echen@desmaraisllp.com
DESMARAIS LLP
101 California Street
San Francisco, CA 94111
Tel: (415) 573-1900
Fax: (415) 573-1901

Counsel for Defendant Google LLC

s/ Saunak K. Desai

Saunak K. Desai